IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22192 of 2004

Between:

Penagati Rambubu, S/o. (Late) Adinarayana,
F.P. Shop No. 41, Tummapala Village, Gavarapeta Veedhi,

Anakapalli Mandal, Visakhapatnam District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Visakhapatnam.
2 The Mandal Revenue Officer, Anakapalli, Visakhapatnam.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the proceedings issued by the 2nd respondent vide R.C.No. 796/2004, Dt. 26-11-2004 as illegal, unjust, arbitrary, violation of Principles of Natural Justice and against to the provisions of the Andhra Pradesh Public Distribution System Control Order, 2001 and consequently direct the respondents to continue the petitioner as Fair Price Shop Dealer of Shop No. 41 of Tummapala Village, Gavarapeta Veedhi, Anakapalli Mandal, Visakhapatnam District as usual.

Counsel for the Petitioner:MR.B.DEVANAND

Counsel for the Respondents 1and 2: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner was appointed as a Fair Price Shop Dealer for Shop No.41 of Tummapala Village, Anakapalli Mandal, Visakhapatnam District. His grievance is that even while the authorization is in force, 2nd respondent has entrusted the distribution of essential commodities in that shop to another dealer without any power.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

A perusal of the proceedings, dated 26.11.2004, issued by the 2nd respondent discloses that consequent on seizure of certain commodities by the Deputy Tahsildar (Enforcement) from the petitioner, he has entrusted the distribution of the commodities in Shop No.41 to the dealer of Fair Price Shop No.1. It is not in dispute that the appointing authority for dealers of fair price shops is the 1st respondent, namely, the Revenue Divisional Officer. It is only when the 1st respondent has suspended or cancelled the authorization, that the question of making alternative arrangements by the 2nd respondent would arise. There is no reference to such orders in the impugned proceedings.

Hence, on this short ground, the impugned order is set aside and it is directed that the petitioner shall be entitled to continue as Fair Price Shop Dealer, as long as the authorization is neither suspended nor cancelled.

Accordingly, the writ petition is allowed.There shall be no order as to costs.

L.NARASIMHA REDDY, J

Dated : 2nd December, 2004

Note: Office to furnish copy

by 03.12.2004

(B/o.)

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To

1 The Revenue Divisional Officer, Visakhapatnam.
2 The Mandal Revenue Officer, Anakapalli, Visakhapatnam.

3 2 CCS to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

4 2CD copies